

REMARKS/ARGUMENTS**The Office Action**

In the above-mentioned non-final Office Action, the oath was found to be defective in that the application was not identified by application number and filing date and the city and country of residence of the Applicant was not identified. The specification was objected to because of alterations which were not initialed or dated. Claims 3, 8 and 9 were rejected as being indefinite; claims 1-9 were rejected as being anticipated by Japanese Patent 3045250 ('250); and claims 1-9 were rejected as being anticipated by U.S. Patent No. 6,881,928 (Wong).

The specification has been amended to properly present the altered text of paragraph 23.

Description of Amendments

Applicant has amended the specification to correct obvious typographic errors.

Applicant has amended claims 1, 2, 4 and 6-9, cancelled claim 3 without prejudice, and added new claims 10-13. Claims 1, 2 and 4-13 are now pending and under examination.

Objections to the Declaration and Specification

The objections to the declaration and specification have been overcome by the new declaration submitted herewith.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 3, 8 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The rejection of claim 8 is improper. Claim 8 is not indefinite because one of ordinary skill in the art would easily recognize that the word "heater" is missing from the claim language "an internal mounted within said cylindrical curler body." Claim 8 should have been objected to for containing an obvious error.

Rejections Under 35 U.S.C. §102

Claims 1-9 were rejected as being anticipated by JP 30454250. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 1-9 are directed to a hair curler formed from (a) a heat-resistant resin, (b) a multi-element powder and (c) a far-infrared emitting powder. Thus, at least three different materials are being mixed together to create the mixture which is used to form the hair curler. In contrast, JP 30454250 is directed to a hair curler formed from (a) a heat-resistant resin and (b) a multielement powder. Thus, only two of the three materials are being mixed together to create the mixture which is used to form its hair curler. The mixture disclosed in the pending application is therefore different from the mixture taught in JP 30454250. Specifically, the mixture of a multi-element powder and a far-infrared powder has a composition that is different from the composition of the multielement powder alone. Thus, the ratio of specific compounds in the mixture of the claimed invention is different from the ratio of specific compounds in the multielement powder alone. As such, claims 1-9 are not anticipated by JP 30454250.

Claims 1-3 and 6-8 were rejected as being anticipated by Wong (U.S. Patent 6,881,928). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Again, claims 1-9 are directed to a hair curler formed from (a) a heat-resistant resin, (b) a multi-element powder and (c) a far-infrared emitting powder. Thus, at least three different materials are being mixed together to create the mixture which is used to form the hair curler. In contrast, Wong is directed to a hair curler formed from (a) a heat-resistant resin and (b) a far-infrared emitting powder. Thus, only two of the three materials are being mixed together to create the mixture which is used to form the hair curler. The mixture of the claimed invention is therefore different from the mixture of Wong. As such, claims 1-9 are not anticipated by Wong.

Patentability of the New Claims

The new claims are patentable over the cited references for the same reasons as set forth above.

An advantage of the subject invention is the synergistic effect of the two types of powder – a poly-element mineral powder and a far infrared radiation powder. The first powder is designed to get minus ion emission and the latter one is for far infrared radiation that leads to the synergy effect of 4-14 micron of far infrared emission. These infrared radiations of 4-14 micron are to change water molecules into smaller group of molecules as a chain reaction so as to enhance a moisturizing and ionizing effect to hair.

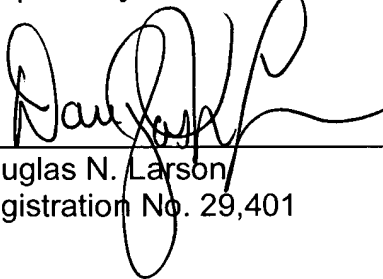
Concluding Remarks

Accordingly, it is respectfully contended that all of the claims now pending are in condition for allowance. Issuance of the Notice of Allowance at an early date is thus in order.

If there are any remaining issues, the Examiner is encouraged to telephone the below-signed counsel for Applicant at (310) 785-5384 to seek to resolve them.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 10-0440. Should such additional fees be associated with an extension of time, Applicant respectfully requests that this paper be considered a petition therefor.

Respectfully submitted,



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